



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 29 2008

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David J. Peterson, Engineering Manager
Kraft Foods, Inc. – Post Division
1555 West Ogden Avenue
Naperville, Illinois

Dear Mr. Peterson:

This is to advise you that the U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Kraft Foods Inc. (you or Kraft). We find that you are violating Illinois construction permit 03110034 and the Illinois State Implementation Plan (SIP) at your Naperville, Illinois facility.

Section 113 of the Clean Air Act (Act) gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations cited in the NOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Kathy Memmos. You may call her at (312) 353-4293, if you wish to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

inconsistent with the regulations promulgated by the Board thereunder. Except as herein specified, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard.

- c. On March 16, 2004, Illinois EPA issued construction permit 03110034 for the construction of the Cocoa Pebbles line at Kraft's Naperville facility.
- d. Construction Permit 03110034 Condition 1(a) states that emissions of volatile organic materials (VOM) from the Cocoa Pebbles line shall not exceed 5.22 lbs per hour.
- e. In 2006, Kraft submitted its annual emission inventory report for calendar year 2005 to Illinois EPA and reported its VOM emissions from the Cocoa Pebbles line to be 6.76 lbs per hour.
- f. Kraft is in violation of Construction Permit 03110034 ~~Condition 1(a) for calendar year 2005.~~

2. Violation of Illinois SIP Subpart TT Requirements:

- a. On October 21, 1996, EPA approved 35 IAC Part 218, Subpart TT (35 IAC 218.980 through 218.988), as part of the federally enforceable Illinois SIP. 61 Fed. Reg. 54556. These rules became effective on November 20, 1996.
- b. 35 IAC 218.980(b) states that a source is subject to this Subpart if it has the potential to emit (PTE) 25 tons or more of VOM per year, in aggregate, from emission units that are not regulated by Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, or BB of this Part.
- c. 35 IAC 218.980(c) states that the requirements of Subpart TT apply to any emission unit that was ever subject to the requirements of 35 IAC 218.986.
- d. 35 IAC 218.986(a) states every owner or operator of an emission unit subject to this Subpart shall comply with the requirements of subsection (a); (b), (c), (d), or (e). Subsection (a) states that emission capture and control equipment must achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit.
- e. Kraft's Cocoa Pebbles line is not regulated by 35 IAC, Part 218, Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, or BB.
- f. On November 11, 2003, Kraft submitted an air pollution construction permit application for the Cocoa Pebbles line and reported its PTE of VOM to be over 25 tons per year.


- g. Kraft opted to take an enforceable VOM limit to keep its VOM emissions under 25 tons per year and, therefore, not be subject to 35 IAC Part 218, Subpart TT.
- h. Construction Permit 03110034 Condition 1(b)(ii) states that the limitations found in Condition 1(a) are established in the permit pursuant to 35 IAC Part 218, Subpart TT. These limits ensure that the Cocoa Pebbles line is not subject to the control requirements of 35 IAC Part 218, Subpart TT.
- i. Kraft submitted its annual emission inventory reports for calendar years 2004, 2005, and 2006, all of which indicated a higher VOM content than Kraft used in its construction permit emission calculation. Based on the current VOM content, Kraft's VOM PTE has exceeded the 25 ton per year limit and the Cocoa Pebbles line is subject to 35 IAC Part 218, Subpart TT requirements.
- j. Kraft does not control the VOM emissions from the Cocoa Pebbles line.
- k. Kraft has not achieved at least an 81 percent overall reduction of VOM emissions from the Cocoa Pebbles line.
- l. Kraft is in violation of 35 IAC 218.986(a), which requires an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit.

Environmental Impact of Violations

- 1. Emission of volatile organic compounds contributes to the formation of ground-level ozone and smog. Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestions. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame the linings of the lungs. Repeated exposure may permanently scar lung tissue. Ground-level ozone can have detrimental effects on plants and ecosystems. These effects include: interfering with the ability of sensitive plants to produce and store food, making them more susceptible to certain diseases, insects, other pollutants, competition and harsh weather; damaging the leaves of trees and other plants; negatively impacting the appearance of urban vegetation, national parks, and recreation areas; and reducing crop yields and forest growth, potentially impacting species diversity in ecosystems.

Date

2/29/08


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation, No. EPA-5-07- , by Certified Mail, Return Receipt Requested, to:

David J. Peterson, Engineering Manager
Kraft Foods – Post Division
1555 West Ogden Avenue
Naperville, Illinois

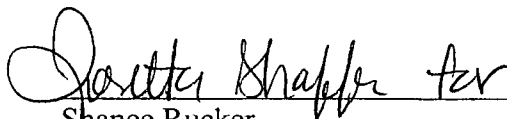
I also certify that I sent copies of the Notice of Violation by first class mail to:

Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

And

Joe Kotas, Bureau of Air
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

on the 4 day of MARCH, 2008.



Shanee Rucker
Administrative Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 00060187 7154